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7	UNITED STATES DISTRICT COURT DISTRICT OF NEVADA		
8	UNITED STATES OF AMERICA,	Case No. 2:20-mj-00224-BNW	
9	Plaintiff,	Stipulation to Extend Deadlines to Conduct Preliminary Hearing and	
10	v.	File Indictment (First Request)	
11	ANTHONY RIOS,		
12	Defendant.		
13			
14	IT IS HEREBY STIPULATED AND AGREED, by and between Christopher		
15	Chiou, Acting United States Attorney, and Andrew W. Duncan, Assistant United States		
16	Attorney, counsel for the United States of America, and Jawara Griffin, counsel for		
17	Defendant Anthony Rios, that the Court vacate the preliminary hearing scheduled for Jun		
18	18, 2021, at 4:00 p.m. and reschedule the hearing for a date and time convenient to this		
19	Court, but no sooner than 14 days from the currently scheduled date. This request requires		
20	that the Court extend two deadlines: (1) that a preliminary hearing be conducted within 2		
21	days of a released defendant's initial appearance, see Fed. R. Crim. P. 5.1(c); and (2) that a		
22	information or indictment be filed within 30 days of a defendant's arrest, see 18 U.S.C.		
23	§ 3161(b).		
24	This stipulation is entered into for the following reasons:		

- 1. Under Federal Rule of Criminal Procedure 5.1(c), the Court "must hold the preliminary hearing within a reasonable time, but . . . no later than 21 days [after the initial appearance] if [the defendant is] not in custody"
- 2. However, under Rule 5.1(d), "[w]ith the defendant's consent and upon a showing of good cause—taking into account the public interest in the prompt disposition of criminal cases—a magistrate judge may extend the time limits in Rule 5.1(c) one or more times"
- 3. Furthermore, under the Speedy Trial Act, 18 U.S.C. § 3161(b), "[a]ny information or indictment charging an individual with the commission of an offense shall be filed within thirty days from the date on which such individual was arrested or served with a summons in connection with such charges. If an individual has been charged with a felony in a district in which no grand jury has been in session during such thirty-day period, the period of time for filing of the indictment shall be extended an additional thirty days."
- 4. Moreover, the parties have entered into negotiations in an attempt to promptly resolve this case and reduce the judicial and government resources required by this case. The defense requires additional time to adequately advise Defendant regarding any plea negotiations.
- 5. The additional time requested herein is not sought for the purposes of delay, but to allow counsel for Defendant sufficient time to effectively and thoroughly research and prepare and to determine whether to proceed with a preliminary hearing and indictment or to resolve this case through negotiations.
- 6. Accordingly, the parties jointly request that the Court schedule the preliminary hearing in this case no sooner than 14 days from the currently scheduled date.

of the 21-day deadline

1	7. Defendant is in federal custody, agrees to the extension of the 21-day deadlin			
2	imposed by Rule 5.1(c) and the deadline imposed by 18 U.S.C. § 3161(b), waives any right			
3	to remedies under Rule 5.1(c) or 18 U.S.C. § 3161(b), and requests that the time between			
4	Defendant's	Defendant's initial appearance on June 4, 2021, and the rescheduled preliminary be		
5	excluded in computing the time within which an information or indictment must be filed			
6	under 18 U.S.C. §3161(b).			
7	8.	The parties agree to the extension of these deadlines.		
8	9.	Accordingly, the additional time requested by this stipulation is (a) allowed		
9	under Federal Rule of Criminal Procedure 5.1(d); and (b) excludable in computing the time			
10	within which the defendant must be indicted and the trial herein must commence pursuant			
11	to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), considering the factors under 18			
12	U.S.C. § 3161(h)(7)(B)(i) and (iv).			
13	10.	0. This is the first request for an extension of the deadlines by which to conduct		
14	the preliminary hearing and to file an indictment.			
15	DATED this 15 th day of June, 2021.			
16			Respectfully submitted,	
17			CHRISTOPHER CHICH	
18			CHRISTOPHER CHIOU Acting United States Attorney	
19	_/s/ Jawara		_/s/ Andrew W. Duncan	
20	Counsel for	GRIFFIN, ESQ. Defendant	ANDREW W. DUNCAN Assistant United States Attorney	
21	ANTHON	Y RIOS		
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INITED STATES DISTRICT COURT

1	DISTRICT OF NEVADA		
2			
3	UNITED STATES OF AMERICA,	Case No. 2:20-mj-00224-BNW	
4	Plaintiff,	[Proposed] Order on Stipulation to	
5	v.	Continue Preliminary Hearing and Deadline to Indict Defendant	
6	ANTHONY RIOS,		
7	Defendant.		
8			
9	Based on the stipulation of counsel, good cause appearing, and the best interest of		
10	justice being served; the time requested by this stipulation being excludable in computing		
11	the time within which the defendant must be indicted and the trial herein must commence		
12	pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), and Federal Rule of		
13	Criminal Procedure 5.1, considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv)		
14	IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled		
15	for June 18, 2021 at the hour of 4:00 p.m., be vacated and continued to July 6, 2021 at the		
16	3:00 p.m. hour of		
17	DATED this <u>16</u> day of June, 2021.		
18		Richard	
19	HONORABLE BRENDA N. WEKSLER		
20	UN	TITED STATES MAGISTRATE JUDGE	
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